

6BAASIMA

Arraignment

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

12 CR 652 (GWG)

5 JOANNE SIMMONS,

6 Defendant.

7 -----x

8 New York, N.Y.

9 June 11, 2014

1:00 p.m.

10 Before:

11 HON. GABRIEL W. GORENSTEIN,

12 Magistrate Judge

13
14 APPEARANCES

15 PREET BHARARA

United States Attorney for the

16 Southern District of New York

DAMIAN WILLIAMS

17 Assistant United States Attorney

18 MICHAEL P. KUSHNER

Attorney for Defendant Simmons

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1 (Case called)

2 MR. WILLIAMS: Good afternoon, your Honor.

3 Damian Williams, for the government.

4 MR. KUSHNER: Michael Kushner, for the defendant,
5 Ms. Simmons, who is seated next to me.

6 THE COURT: I gather we are not here for a plea; is
7 that right?

8 MR. WILLIAMS: It appears we are not here for a plea,
9 your Honor.

10 THE COURT: And this is an existing docket number?

11 MR. WILLIAMS: Correct, your Honor.

12 THE COURT: Assigned to a district judge or no?

13 MR. WILLIAMS: It has not been wheeled out, your
14 Honor. Ms. Simmons has not appeared yet on this criminal
15 information. It's a misdemeanor information.

16 THE COURT: Does she need to be arraigned on it?

17 MR. WILLIAMS: Yes. And I believe to decide whether
18 she consents to continue before a magistrate judge.

19 THE COURT: OK. So should I be wheeling it out or
20 should I be keeping it?

21 MR. WILLIAMS: Well, your Honor, my understanding is
22 that if she pleads not guilty then it should be wheeled out on
23 the magistrate wheel.

24 THE COURT: I should wheel it out?

25 MR. WILLIAMS: Correct, your Honor, assuming she

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1 consents to proceed before a magistrate judge.

2 MR. KUSHNER: She does, your Honor.

3 THE COURT: OK. All right. I have before me a form,
4 Ms. Simmons. What this form says -- by the way, state your
5 appearance. Did you do that yet?

6 MR. KUSHNER: Yes, judge.

7 THE COURT: OK. Good. What the form says,
8 Ms. Simmons, is that you understand that you have the right to
9 have this case tried, judge, sentenced before a United States
10 district judge but you are agreeing to have it tried, judged
11 and/or sentence before a United States magistrate judge; is
12 that correct?

13 THE DEFENDANT: Yes.

14 THE COURT: OK. And the maximum penalty of this
15 charge is one year; do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: OK. So I am going to wheel it out. I am
18 accepting the consent. And everyone agrees I should now -- has
19 there been an arraignment on the information?

20 MR. WILLIAMS: There has not been.

21 THE COURT: I should do that?

22 MR. WILLIAMS: Yes, your Honor.

23 THE COURT: I have before me an information. The
24 information charges that the defendant made a false statement
25 to the U.S. Department of Housing and Urban Development,

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1 specifically, that she falsely reported her principle residence
2 in order to obtain more than \$120,000 in subsidies from that
3 agency. It alleges it occurred before 2004 and 2012.

4 Counsel, have you seen this information?

5 MR. KUSHNER: I have, your Honor.

6 THE COURT: Have you reviewed it with your client?

7 MR. KUSHNER: She has reviewed it, yes, your Honor.

8 THE COURT: I don't know that a plea is necessary but
9 how does she wish to plead?

10 MR. KUSHNER: Not guilty, your Honor.

11 THE COURT: There is no waiver necessary. OK. I am
12 going to wheel it out then. It's assigned to the Honorable
13 Michael Dollinger.

14 What's that docket number in this case?

15 MR. WILLIAMS: 12 CR 652, your Honor.

16 THE COURT: 12 CR?

17 MR. WILLIAMS: 652.

18 THE COURT: All right. Anything else from the
19 government?

20 MR. WILLIAMS: No. Thank you.

21 THE COURT: There's already been bail conditions set?

22 MR. WILLIAMS: Correct, your Honor.

23 THE COURT: Anything else?

24 MR. KUSHNER: No, your Honor.

25 THE COURT: Mr --

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1 MR. KUSHNER: Kushner.

2 THE COURT: Thank you.

3 (Adjourned)

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